

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

100110473-1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 4/17/06

Signature W. Zarbis

Typed or printed name Desiree Reardon

Application Number

10/051,857

Filed

01/15/02

First Named Inventor

Salil Vjaykumar PRADHAN

Art Unit

2645

Examiner

Chow, Ming

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record. 46,120  
Registration number \_\_\_\_\_
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

W. Zarbis

Signature  
William A. Zarbis

Typed or printed name

408-938-9060

Telephone number

4/17/06

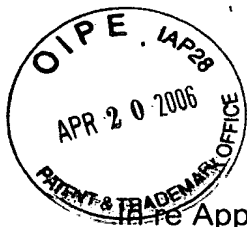
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Pradhan et al.

Serial No.: 10/051,857

Filed: January 15, 2002

For: A METHOD FOR SEARCHING  
NODES FOR INFORMATION

Examiner: CHOW, M.

Art Unit: 2645

Confirmation No.: 1627

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection (please see the Office Action mailed December 15, 2005) of the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

## REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

### 112 Rejections

Claims 1, 8 and 16 are rejected under 35 U.S.C. § 112, second paragraph, because, according to the Office Action, it is unclear whether “otherwise” refers to “said item of information is available therefrom” or “said second wireless device remains in communication with said wireless device” or both. The cited clauses are joined by the conjunction “and,” which can only mean both. Therefore, Applicants respectfully submit that Claims 1, 8 and 16 are not indefinite and request review of the 35 U.S.C. § 112, second paragraph, rejection of these claims.

### 102 Rejections

Claims 1-5, 7-9, 11-14, 16-17 and 19-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Carr (U.S. Patent No. 6,301,617). Applicants respectfully submit that an essential element needed for a *prima facie* rejection of Claims 1-5, 7-9, 11-14, 16-17 and 19-22 is missing, and respectfully request review of the 35 U.S.C. §102(e) rejection of these claims.

According to embodiments of the present claimed invention, a device initiates a search for an item of information. The device sends a message to another device or other devices, which can propagate the message to yet other devices. The message identifies the item of information, as well as an address to which the item of information is to be sent by any of the other devices in possession of the item of information. In essence, a device seeking an item of information does not know where that item of information may exist, but it can let other devices that may have the item of information know where to send it if they have it, so that later the initiating device knows where to go to find it.

As understood by the Applicants, Carr describes a method and apparatus in which, for example, a sought-for file is located using a virtual Uniform Resource Locator (URL) that is resolved into a reference to the actual physical location of the sought-for file. According to Carr, the file is not moved to a specified location from which it can be subsequently accessed; instead, the file remains in its location and a request for that file is resolved to that location.

Consider an example in which node 1 is seeking information A. According to the present claimed invention, node 1 specifies an address D in a message that is received by node 2 (the message may be propagated to node 2 via intervening nodes). Node 2 has information A and sends information A to address D. Node 1 can subsequently find information A at address D.

Now consider a similar example according to Carr (as understood by the Applicants). According to Carr, node 1 is seeking information A and specifies an address D (e.g., a virtual URL) in a message that is received by node 2. In contrast to the present claimed invention, the address specified by node 1 is not an address where the information A is to be deposited, but instead is an address believed by node 1 to hold information A. According to Carr, node 2 has information A at address D-prime. However, in contrast to the present claimed invention, node 2 does not send information A to the address D specified by node 1. Instead, according to Carr, node 2 sends the address D-prime to node 1, which in turn can use the address D-prime to access the information A.

Applicants respectfully submit that processes in accordance with the present claimed invention are not only substantially different from Carr but are patentably distinct from Carr.

Specifically, Applicants respectfully submit that Carr does not show or suggest “creating a message that identifies said item of information and that also identifies an address, said message readable by a second wireless device within communication range; ... wherein ... said message is propagated by said second wireless device to other wireless devices, wherein in response to said message any of said other wireless devices having said item of information and a connection to said address sends said item of information to said address” as recited in independent Claim 1 and as similarly recited in independent Claims 8 and 16.

Because Carr fails to teach at least one element recited in Claims 1, 8 and 16, Applicants respectfully contend that Carr does not anticipate Claims 1, 8 and 16. Because Claims 2-5, 7, 9, 11-14, 17 and 19-22 depend on either Claim 1, 8 or 16 and recite additional limitations, Applicants also contend that Carr does not anticipate Claims 2-5, 7, 9, 11-14, 17 and 19-22. Thus, Applicants respectfully submit that an essential element needed for a *prima facie* rejection of Claims 1-5, 7-9, 11-14, 16-17 and 19-22 is missing, and respectfully request review of the 35 U.S.C. §102(e) rejection of these claims.

#### 103 Rejections

Claims 10 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr. Claims 6, 15 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Malkin et al. (“Malkin;” U.S. Patent Application Publication No. 2003/0014269). Applicants respectfully submit that an essential element needed for a *prima facie* rejection of Claims 6, 10, 15, 19 and 23 is missing, and respectfully request review of the 35 U.S.C. §103(a) rejection of these claims.

With regard to Claims 10 and 18, these claims depend on either Claim 8 or 16 and recite additional limitations. Applicants respectfully submit that Carr does not anticipate Claims 8 and 16, as presented above. Because Claims 10 and 18 depend on either Claim 8 or 16 and recite additional limitations, Applicants also contend that Carr does not anticipate Claims 10 and 18.

With regard to Claims 6, 15 and 23, these claims depend on either Claim 1, 8 or 16 and recite additional limitations. As presented above, Applicants respectfully submit that Carr does not anticipate Claims 1, 8 and 16. Applicants further submit that Malkin does not overcome the shortcomings of Carr. Specifically, Applicants respectfully submit that Malkin, alone or in combination with Carr, does not show or suggest the limitations of Claims 1, 8 and 16 referred to above. Because Claims 6, 15 and 23 depend on either Claim 1, 8 or 16 and recite additional limitations, Applicants also contend that Carr and Malkin do not anticipate Claims 6, 15 and 23.

Thus, Applicants respectfully submit that an essential element needed for a *prima facie* rejection of Claims 6, 10, 15, 19 and 23 is missing, and respectfully request review of the 35 U.S.C. §103(a) rejection of these claims.

Date: 4/17/06

Respectfully submitted,  
WAGNER, MURABITO & HAO LLP



William A. Zarbis  
Reg. No. 46,120

Two North Market Street, Third Floor  
San Jose, California 95113  
Phone: (408) 938-9060